

REMARKSResponse to the §103 Rejection of Claim 1-6

In the October 13, 2005 Office Action, the Examiner rejected claims 1-6 under 35 U.S.C. § 103(a) as allegedly obvious over the Background of Invention section of the present application (hereinafter “Background Section”) in view of U.S. Patent No. 6,499,888 to Wu (hereinafter “Wu”) and U.S. Patent No. 6,878,628 to Sophie et al. (hereinafter “Sophie”).

Although the Examiner expressly conceded that the Background Section of the present application does not teach a monolayer comprising carbon and oxygen located on a surface of the doped semiconductor substrate, as positively recited by claims 1-6 of the present application, the Examiner attempted to remedy the deficiency of the Background Section by citing the Wu and Sophie references. Specifically, the Examiner asserted that: (1) the monolayer recited by claims 1-6 is equivalent to an etch stop layer, (2) Wu teaches an etch stop layer, and (3) Sophie teaches that silicon carbide and silicon oxycarbide have recently been employed to form etch stop layers, and that *“it would have been obvious to one of ordinary skills in the art at the time of the invention to use monolayer (etch stop) comprising carbon and oxygen to control the etch depth of silicon”* (see the Office Action, page 3, first paragraph).

Applicants respectfully disagree with the Examiner’s assertions, for the following reasons:

The term “monolayer” has a well-defined meaning in the English language. Specifically, this term refers to “a film or layer of a compound one molecule thick” (see the American Heritage Dictionary of the English Language: 4th Edition, 2000).

A monolayer is not necessarily an etch stop layer, and vice versa, because the term “monolayer” defines the thickness, which is a structural characteristic, of a layer, while the term “etch stop layer” defines the use, which is a functional characteristic, of a layer.

Therefore, the Examiner's assertion that the "monolayer" as recited by claims 1-6 of the present invention is the same as the "etch stop layer" as disclosed by the Wu reference is a misinterpretation of the term "monolayer."

Nothing in the Wu reference discloses that the etch stop layer 312 is a monolayer. In fact, Wu is completely deficient in teaching or suggesting the use of a monolayer.

The Sophie reference only teaches use of silicon carbide or silicon oxycarbide to form etch stop layers, but nothing in Sophie teaches or suggests formation of a monolayer.

Therefore, claims 1-6 of the present application patentably distinguishes over the cited references by positively reciting a monolayer comprising carbon and oxygen.

Correspondingly, Applicants request the Examiner to withdraw the §103 rejection of claims 1-6 and to issue a Notice of Allowance in Applicants' favor.

If any issues remain outstanding, incident to the formal allowance of the application, the Examiner is requested to contact the undersigned attorney at (516) 742-4343 to discuss same, in order that this application may be allowed and passed to issue at an early date.

Respectfully submitted,



Leslie S. Szivos, Ph.D.
Registration No. 39,394

SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
516-742-4343

Customer No. 23389

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